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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/288,217 04/08/99 OHSUMI

K 1185.1046/JD

EXAMINER

021171
STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON DC 20001

MM91/1106

EXAMINER	ART UNIT	PAPER NUMBER
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2871
DATE MAILED:

11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/288,217	Applicant(s) Ohsumi
	Examiner Dung Nguyen	Art Unit 2871
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Aug 17, 2001</u>		
2a) <input checked="" type="checkbox"/> This action is FINAL. 2b) <input type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-10</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-10</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.		
11) <input checked="" type="checkbox"/> The proposed drawing correction filed on <u>Aug 17, 2001</u> is: a) <input checked="" type="checkbox"/> approved b) <input type="checkbox"/> disapproved.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. § 119		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
*See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).		
Attachment(s)		
15) <input type="checkbox"/> Notice of References Cited (PTO-892)		
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>10</u>		
18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
20) <input type="checkbox"/> Other:		

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Response to Amendment

Applicant's amendment dated 08/17/2001 has been received and entered.

Drawings

1. The drawings stand objected to as failing to comply with 37 CFR 1.84(p)(4) because all Japanese reference characters need to be translated to English. Correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the above claims, it is confusing and unclear how the distance between the surface light source device and the projection rows of the prismatic element can be arranged in the range of 0.5mm to 5mm while the specification and drawing (figure 1) disclose the range of 0.5 to 1 (mm). For the purpose of examination, it is assumed that Applicant tends to claim the surface light source device and the projection rows of the prismatic element is separated by a distance of 0.5 to 1.0 (mm).

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-5 and newly added claim 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Gunjima et al., US Patent No. 5,587,816, as stated in the previous office action.

Applicant contends that there is no disclosure (in Gunjima et al.) that the prism array (7) forms a composite optical element with any other optical element, such as the polarized light separator (6) (amendment, page 6). The Examiner is not convinced by this argument since the same is true of the Gunjima et al. Composite optical element. According to Webster's II New Riverside University Dictionary, The Riverside Publishing Company, 1988, the term "composite" denotes for "to put together". In other words, the composite optical element, for broadest reasonable interpretation, is made up of distinct components and put together as shown by Gunjima et al. .

Therefore, the rejection of the above claims stand.

6. Claims 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunjima et al., US Patent No. 5,587,816.

The above claimed are anticipated by Gunjima et al. figure 2 which discloses a liquid crystal display (LCD) device comprising:

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- an LCD panel (12);
- a surface light source device provided with a guide plate (3), a light source (1) as claimed;
- a composite optical element having a polarization separating sheet member (6b), a polarized light separator (6a) wherein one face of the polarization separating sheet member provides a light control face (7) which is directed to the surface light source device.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 , 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunjima et al., US Patent No. 5,587,816 , in view of Applicant's admitted prior art (APA).

Regarding the above claims, Gunjima et al. disclose the claimed invention as described above except for a light scattering pattern providing on an emission face of the guide plate, and a distance between the light guide and prism. It would have been obvious to one of ordinary skill in the art to provide a light scattering pattern providing on an emission face of the guide plate as well as the distance between the surface light source device and the projection rows of the

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prismatic element being in the range of 0.5 to 5 (mm) as shown in APA (figure 2) since it is a common practice in the art to promote light from a guide plate to a liquid crystal display panel.

Response to Arguments

9. Applicant's arguments with respect to claims 1-5 have been fully considered but they are not persuasive as noted above.
10. Applicant's arguments with respect to claims 6-10 have been considered but are moot in view of the new grounds of rejection as noted above.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7722.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
11/02/2001



William L. Sikes
Supervisory Patent Examiner
Group 2871